

Board of Zoning Appeals Minutes September 16, 2024

Chairman Paxson called the Board of Zoning Appeals meeting to order, this Monday, September 16, 2024 at 6:00 p.m.

PRESENT: DeSouza, Gilbride, Dumbauld, Podany, Paxson

OTHERS PRESENT: Assistant Law Director O'Malley, CBO Marty Surella, Director Bob Sepik and Clerk Allen.

Pledge of Allegiance is spoken.

Chairman Paxson: Is there a motion to approve the minutes for the meeting held August 19, 2024. DeSouza motioned; Podany seconded the motion to approve the minutes from August 19, 2024.

Clerk Allen: Roll Call: Aye: Gilbride, Dumbauld, Podany, DeSouza, Paxson

Minutes Approved

Chairman Paxson asked Podany to read case 2024-07.

Mr. Podany read: Case 2024-07, Denise Williams, 10239 Chesterfield Drive, Parma Heights, Ohio 44130 (PPN#471-18-028) Chapter 906 Concrete for Driveways, Sidewalks, Patios, and Street

Chairman Paxson asked who is here representing the applicant.

Mrs. Denise Williams introduced herself as well as her husband. Both were sworn in at this time. Mrs. Williams explained that they were need of an extended driveway because we are having issues with the neighbors to the left, they are damaging our cars, setting off fireworks that is our main concern. Secondly, we have four children, two in college. They have no parking when they come home for the summer or holidays. The neighbor across the street is now taking in foster children and are taking up the street parking with cars. We don't want it for our camper, anything excessive. We are just looking for parking for the children and get off the street.

Mr. Williams explained that there is trouble with the neighbor and police have now been called and it seems like it's leading to more issues to come and would like to get our vehicles off the street. We are trying to protect our property the best way we can and I think to start is to get them off the street.

Chairman Paxson asked all together how many cars are you trying to park in the driveway?

Mrs. Williams stated that it would normally only be two until or daughters come home from college.

Mr. DeSouza asked about the neighbor and that the driveway is going to all the way back to the end of the house where the fence is, is that correct?

Mrs. Williams responded yes; it will start in the back yard.

Mr. Podany asked how close to the property line is that driveway extension going to be to the neighbor?

Mr. Williams stated that the dimensions are on his diagram.

Ms. Dumbauld asked if any neighbors have reached out with any concerns or comments on this request?

Clerk Allen responded no; I haven't heard anything from the neighbors on this request.

Mr. DeSouza stated that if most of the time it's going to your two cars in the driveway, sometimes your daughters. Why are you planning to widen out the apron, why not keep the original apron and just add from the sidewalk back?

Mr. Williams stated that the concrete on the sidewalk was damaged. There were two or three feet of concrete also damaged and needed to be removed.

Mr. DeSouza asked about the tree on the neighbor's tree lawn?

Mr. Williams said they were not going that far over to the tree.

Mr. Sepik asked how close is your driveway going to be to the property line? Do you have a 6" or 3' bumper? It doesn't show on the diagram. Have you had your lot surveyed to make sure you are on your property line?

Mr. Williams stated that it should be right there, where the fence comes down. We haven't had anyone come out and stake it off. Eventually we would have somebody come out and stake it off so the neighbor understands where the property line is. I know where the property line is, we don't need to have that done.

Mrs. Williams stated that we got the measurements from the housing court.

Mr. DeSouza stated that I think we are going to have to request you do that first because if we approve this and then you find out later that you are over the property line and then you're going to have cut out the concrete.

Assistant Law Director O'Malley added that the permit request doesn't require that you have this done. It's up to the resident to determine if that fence is being installed on their own property and often times a foot or two inside the property line. It's not a service that the city provides and normally it's not a pre-requisite to obtaining a building permit of a driveway.

Mr. Surella asked to explain how this matter came before you. This project was started, they hired a contractor, never came here to get registered as a contractor, never pulled a building permit, never submitted a drawing, we went by and saw the project and I stopped the job. That's the history on how this got dug out and all of sudden we're half way done. It's all in the application.

Ms. Dumbauld asked if the applicant plans on continuing the project with the same contractor?

Mr. Williams stated yes, we've already paid him half, signed the contract and so we have no choice but to continue and get this project done.

Chairman Paxson asked his colleagues if they would like to recess for a few minutes? Mr. DeSouza agreed. Ultimately the Board of Appeals decided not to recess.

Assistant Law Director O'Malley suggested making the motions but not vote. You are entitled to deliberate in private or in public. What you are signifying is that the time for discovery with the applicant is over and you are not taking the time to deliberate amongst yourselves. I discourage you from continuing the debate with the applicant while you're deliberating.

Mr. Podany asked if the Building Department have any problem with the proposed expansion?

Mr. Surella responded no I don't, I don't see that this expansion would negatively impact anybody. Is it detrimental to the neighborhood. I don't see any issue with it. We are half way done here, it's already dug out. My only concern is that it's too wide for a single car garage. That's why I brought this before you.

Mr. Gilbride added that my concern was with the neighbors and if there were any concerns from them. I've heard both from them and the Clerk that no concerns have been brought forward. I'm okay with the expansion.

Mr. Podany made a motion to approve this 12-foot variance request to widen the driveway at 10239 Chesterfield, Parma Heights; Seconded by Ms. Dumbauld.

Chairman Paxson asked if there were any further questions from the Board, if not we can caucus. Board responded that there was no need to recess and would prefer to move forward with the vote.

Clerk Allen: Roll call: Aye: Dumbauld, Podany, DeSouza, Gilbride, Paxson

Variance Approved

Mr. Podany made a motion to approve this expansion of the apron variance request; seconded by Ms. Dumbauld.

Chairman Paxson asked if there were any further discussion needed? Seeing none.

Clerk Allen: Roll call: Aye: Podany, DeSouza, Gilbride, Dumbauld, Paxson


Variance Approved

Podany motioned; seconded by Dumbauld to adjourn.

Clerk Allen: Roll call: Aye: DeSouza, Gilbride, Dumbauld, Podany, Paxson

The Board of Zoning Appeals meeting is adjourned at 6:35 p.m.


Chairman Paxson
Board of Zoning Appeals


Barbara Allen
Board of Zoning Appeals Clerk